

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl.No. 5902 of 2007()

CRIME NO. 100/06 OF RAMANKARI POLICE STATION
CMP.2319/2007 of J.M.F.C., RAMANKARI
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PETITIONER/ACCUSED

VIMAL KUMAR @ VIMAL,S/O.MOHANAN,
AGED 24,VETTATHUPARAMBIL VEEDU,PUTHUKKARY MURI,
WARD NO.VI,RAMANKARY PANCHAYATH

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENTS:

1. STATE OF KERALA REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. CIRCLE INSPECTOR PULINKUNNU POLICE
STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 5902 of 2007

Dated this the 1st day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations, inter alia, under Sections 452 and 376 I.P.C. The alleged incident took place on 14.8.2006. The petitioner is a young man aged about 23 years. The victim is a woman aged 45 years and a neighbour of the petitioner. The victim lady owed certain amounts to the petitioner. The petitioner was demanding return of the amount. On the date of the incident, i.e. on 14.8.2006, the petitioner allegedly demanded return of the amount. The victim was not able to return. Enraged by that, he allegedly trespassed into the house of the defacto complainant, threatened her and he allegedly raped her. Hearing her cries, the local people had assembled. They had taken the victim to the hospital. There the F.I. statement was lodged and crime was registered. The petitioner was absconding. Long later, he was arrested on 14.9.2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has been in custody from

14.9.2007. The incident had taken place as early as on 14.8.06. In these circumstances the petitioner may now be enlarged on bail, prays the learned counsel.

3. The learned Prosecutor opposes the application. The allegations raised are grave and serious. Great depravity of mind is reflected in the alleged occurrence. Investigation is not complete. The petitioner may not, in these circumstances, be enlarged on bail, submits the Prosecutor.

4. The petitioner was absconding all along. The investigation reveals that there are certain antecedents which must also stand in the way of regular bail being granted to the petitioner at this early stage. Considering the nature of the crime and antecedents of the petitioner, he may not be enlarged on bail at this stage, submits the Prosecutor.

3. In the facts and circumstances of this case, I find merit in the opposition by the learned Prosecutor. I am satisfied that the petitioner is not entitled for bail at this stage. In a serious crime like this the Investigators may be given sufficient and reasonable time to complete the investigation as submitted by the Prosecutor.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the court for

bail again at a later stage of the investigation, not at any rate, prior to 15.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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